

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Doherty *et al.*

Application No. 10/568,055

Filed: September 27, 2006

Confirmation No. 3696

For: PROKARYOTIC DNA REPAIR LIGASES

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Examiner: Richard G. Hutson

Art Unit: 1645

Attorney Reference No. 6947-73362-01

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DECLARATION UNDER 37 CFR § 1.132

We, Aidan J. Doherty, Marina Della, Geoffrey R. Weller, and Stephen P. Jackson, declare:

1. We are the co-inventors of the above-referenced U.S. Patent Application, entitled: "PROKARYOTIC DNA REPAIR LIGASES" (hereinafter "the application").

2. We are co-authors with Louise M. Tonkin, Boris Kysela, Penny A. Jeggo, Elizabeth Scanlan, Susanne Krogh Devine, Kevin Devine, Jonathan P. Day, Adam Wilkinson, Richard P. Bowater, Rajat Roy, and Fabrizio d'Adda di Fagagna on Weller *et al.*, *Science* 297:1686-1689, 2002, cited in the Office action dated February 25, 2009 (hereinafter "Weller *et al.*"), which was published less than a year prior to the September 27, 2006 filing date of the application.

3 Any description in Weller *et al.* of the invention claimed in the application was the joint contribution of the present named inventors alone, notwithstanding the fact that Weller *et al.* lists additional authors (namely Louise M. Tonkin, Boris Kysela, Penny A. Jeggo, Elizabeth Scanlan, Susanne Krogh Devine, Kevin Devine, Jonathan P. Day, Adam Wilkinson, Richard P. Bowater, Rajat Roy, and Fabrizio d'Adda di Fagagna). These additional authors did

not inventively contribute to the conception and/or reduction to practice of the invention disclosed and claimed in the application; rather they worked under the direction of the present named inventors providing technical assistance.

4. We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

By _____ Date _____
Aidan J. Doherty

By _____ Date _____
Marina Della 

By _____ Date _____
Geoffrey R. Weller

By _____ Date _____
Stephen P. Jackson